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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,462	06/09/2006	Vincent Izabel	17102025001	3879

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EXAMINER
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PRABHAKHER, PRITHAM DAVID

ART UNIT	PAPER NUMBER
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2622

NOTIFICATION DATE	DELIVERY MODE
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04/02/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/566,462	<b>Applicant(s)</b> IZABEL ET AL.	
	<b>Examiner</b> PRITHAM PRABHAKHER	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-23 and 25 is/are rejected.
- 7) ☒ Claim(s) 15, 16 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/28/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-7, 9-14, 17-23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Berberich et al. (US Patent No.: 6819231B2).**

*In regard to **Claim 1**, Berberich et al. disclose a rear vision device for a motor vehicle (**Figures 3, 9 and Column 1, Lines 6-12**), comprising:*

*a video camera (**Column 5, Lines 29-30**) intended to be integrated fixedly at a rear of a motor vehicle (**Column 6, Lines 14-23 and Figure 9**),*

*a flap (Cover 19) mounted so as to be able to move between a closed position and an open position (The cover 9 can move between an open position to reveal the lens and a closed position to cover the lens, **Column 6, Lines 13 to 59; Figures 4-6**) in which said flap is disposed respectively in front of and away from a lens of the video camera (The cover 19 can move between an open position to reveal the lens and a closed position to cover the lens, **Column 6, Lines 13 to 59; Figures 4-6**), and*

*drive means (drive mechanism 18) able to drive the flap (cover 19) in movement between the closed position and the open position (**Column 6, Lines 13 to 59; Figures 4-6**),*

*the flap (cover 19) comprising pivoting means (the cover 19 is arranged rotatably on pivoting means) defining a pivot axis and allowing passage from one position to another (**Figures 4-6**),*

*wherein the flap (cover 19) also comprises:*

*a curved part (The cover 19 has a curved part); and  
articulation arms (21),*

*the articulation arms (21) being fixed to the curved part and the pivoting means (Looking at **Figures 4-6**, it is evident that the articulation arms are rotatably fixed to the curved part and the pivoting means).*

*In regard to **Claim 2**, Berberich et al. disclose the rear vision device according to claim 1, wherein the pivot axis is coaxial with respect to an axis corresponding to a curvature of a concave face of the curved part (**Figures 4-6**).*

*Regarding **Claim 3**, Berberich et al. disclose the rear vision device according to claim 1, wherein the flap (cover 19) also comprises a means of transmitting a movement generated by the drive means (drive mechanism 18), the transmission means being fixed to the flap (The drive mechanism 18 causes the cover to open and close and is fixed to the flap, **Figure 5 and Column 6, Lines 13-59**).*

*In regard to **Claim 4**, Berberich et al. disclose the rear device according to claim 3, wherein the transmission means is provided on one of the articulation arms (The articulation arms (guides 21) enable the movement of the cover 19, **Column 6, Lines 13-59**).*

*In regard to **Claim 5**, Berberich et al. disclose the rear vision device according to claim 3, wherein the transmission means is made in one piece with the flap (All the parts are attached together to function as one piece, **Figures 4-6**).*

*Regarding **Claim 6**, Berberich et al. disclose the rear vision device according to claim 1, further comprising elastic return means (spring element) able to drive the flap in movement from the open position to the closed position (The spring element presses the cover 19 downwards into the closed position, **Column 6, Lines 29-31**).*

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*In regard to **Claim 7**, Berberich et al. disclose the rear vision device according to claim 6, wherein the flap comprises a stop fixed to the flap, cooperating by locking contact with the elastic return means (The reference discloses that there is a locking (stop) mechanism present that locks the flap/cover contact with the elastic return means when in the closed position, **Column 4, Lines 3-15**).*

*Regarding **Claim 9**, Berberich et al. disclose the rear vision device according to claim 1, wherein the drive means are able to immobilize the flap in at least one intermediate position between the closed position and the open position (The flap/cover 19 is deemed immobilized (not open or closed completely) from its use when the drive mechanism is in one of the intermediate positions (positions between completely open and completely closed) while moving on the toothed rack 23, **Figures 4-6 and Column 6, Lines 34-39**).*

*Regarding **Claim 10**, Berberich et al. disclose the rear vision device according to claim 1, wherein the drive means (18) comprise:*

*an electric motor which is able to drive the flap in movement from the closed position to the open position (Electric motor 22, **Column 6, Lines 34-35**), elastic return means able to drive the flap in movement from the open position to the closed position (Spring force that aides in the opening and closing of the cover), and stop means able to stop the movement of the flap in the open position and in the closed position (There*

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*is a stop means present that stops the movement of the cover 19 in the open and closed positions, **Figures 4-6 and Column 6, Lines 13 to 59**).*

*Regarding **Claim 11**, Berberich et al. disclose the rear vision device according to claim 1, wherein the drive means comprise an electric motor of a stepping type (Toothed rack 23) which is able to drive the flap in movement between the closed position and the open position and to stop the movement of the said flap in the open position and in the closed position (There is a stop means present that stops the movement of the cover 19 in the open and closed positions, **Figures 4-6 and Column 6, Lines 13 to 59**).*

*In regard to **Claim 12**, Berberich et al. disclose the rear vision device according to claim 1, wherein the flap is able to be driven manually in movement between the closed position and a storage position situated beyond the open position, and wherein the said rear vision device comprises locking means able to immobilize the flap in the storage position (**Column 6, Lines 33-34**).*

*With regard to **Claim 13**, Berberich et al. disclose the rear vision device according to claim 1, further comprising locking means able to lock the flap in the closed position in the absence of use of the drive means (**Column 4, Lines 10-14**).*

*In regard to **Claim 14**, Berberich et al. disclose the rear vision device according to claim 1, wherein the flap is mounted so as to be able to move through a slot provided in a support (camera housing), and wherein the said rear vision device comprises sealing means (41, Figure 6) able to seal a space between the flap and the support (**Column 6, Lines 54-59**).*

*Regarding **Claim 17**, Berberich et al. disclose the rear vision device according to claim 1, further comprising cleaning means (cleaning element 40) able to wipe an external lens of the video camera during the movement of the flap between the closed position and the open position (**Figure 5 and Column 6, Lines 47-49**).*

*In regard to **Claim 18**, Berberich et al. disclose the rear vision device according to claim 1, further comprising a transparent protective screen able to protect the lens of the video camera (**Claim 16**), and cleaning means (cleaning element 40) able to wipe the said protective screen when the flap moves between the closed position and the open position (**Figure 5 and Column 6, Lines 47-49**).*

*With regard to **Claim 19**, Berberich et al. disclose the rear vision device according to claim 18, wherein an external surface of the protective screen is substantially parallel to a movement path of the flap (**Figures 4-6**), and wherein the cleaning means comprise a scraper seal which is fixed to a distal end of the flap and*



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*which is able to cooperate by sliding contact with the said external surface of the protective screen (Figure 5 and Column 6, Lines 47-49).*

*In regard to **Claim 20**, Berberich et al. disclose the rear vision device according to claim 18, wherein an external surface of the protective screen is substantially parallel to a movement path of the flap and wherein the cleaning means consist of a projecting part of a distal seal of the flap, a projecting part (cleaning means 40) which is able to cooperate with by sliding contact with the said external surface of the protective screen (Figure 5 and Column 6, Lines 47-49).*

*In regard to **Claim 21**, Berberich et al. disclose the rear vision device according to claim 1, wherein the flap is mounted so as to be able to move with respect to a support on which the video camera is mounted fixedly (Figures 4-6).*

*Regarding **Claim 22**, Berberich et al. disclose the rear vision device according to claim 1, wherein the flap (cover 19) is mounted so as to be able to move with respect to a protective cover for the drive means (The drive means 18 has a protective cover on it as evidenced from Figures 4-6. The cover 19 moves with respect to the protective cover, **Figures 4-6**).*

*In regard to **Claim 23**, Berberich et al. disclose the rear vision device according to claim 1, wherein the flap is produced from transparent material (**Claim 16**).*

*Regarding **Claim 25**, Berberich et al. disclose a motor vehicle, comprising at least one rear vision device according to claim 1 (**Figures 4-6 and 9**).*

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

#### **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Berberich et al. (US Patent No.: 6819231B2) as applied to claims 1 and 6-7 above.**

*Regarding **Claim 8**, Berberich et al. disclose a locking/stop means for fixing the flap and locking contact with the elastic return means as disclosed above in claim 7. However, Berberich et al. do not explicitly disclose that the stop is made in one piece with the flap (cover). Official notice is taken by the examiner on the being in one piece with the cover of the rear vision device. It would have been obvious and well-known to one of ordinary skill in the art at the time of the invention to incorporate a stop in one*

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*piece with the cover of the rear vision device, because there would have to be some form of stop means present on the flap itself in order to be able to lock it down with the rest of the rear vision device when in the closed position.*

### ***Allowable Subject Matter***

**Claims 15-16 and 24** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRITHAM PRABHAKHER whose telephone number is (571)270-1128. The examiner can normally be reached on M-F (7:30-5:00) Alt Friday's Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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